

**STAFFORD COUNTY**  
**Wetlands Board Minutes**  
**February 28, 2011**

The regular monthly meeting of the Stafford County Wetlands Board of February 28, 2011, was called to order at 7:00 p.m. by Wetlands Board staff in the ABC Conference Room.

MEMBERS PRESENT: Mary Rust, Ben Rudasill, Andy Pineau, and Jim Riutta

MEMBERS ABSENT: Sam Hess

STAFF PRESENT: Amber Forestier and Aisha Hamock

**PUBLIC PRESENTATIONS:**

Mrs. Forestier: Are there any public presentations? Seeing no one here, we will move on to the election of officers.

**ELECTION OF OFFICERS**

1. Election of Wetland Board Chair and Vice-Chair for 2011.

Mrs. Forestier: Is there a nomination for Chair?

Mr. Rudasill: Yes, I nominate Mary Rust.

Mrs. Forestier: Is there a second?

Mr. Pineau: I second.

Mrs. Forestier: All in favor say aye.

Mr. Rudasill: Aye.

Mr. Pineau: Aye.

Mr. Riutta: Aye

Mrs. Rust: I feel railroaded.

Mrs. Forestier: All opposed say nay. Is that a nay?

Mrs. Rust: Yes.

Mr. Rudasill: You were made for this.

**VOTE:**

The motion to nominate Mary Rust as Chairman passed 3-1.

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Mrs. Forestier: Is there a nomination for Vice-Chair?

Mr. Pineau: I nominate Ben or Ben can be vice.

Mrs. Rust: Why can't Ben stay where he is?

Mr. Rudasill: I second the motion.

Mrs. Forestier: Okay. All in favor say aye.

Mr. Rudasill: Aye.

Mr. Pineau: Aye.

Mr. Riutta: Aye.

Mrs. Rust: Aye.

Mrs. Forestier: All opposed say nay. Motion carries.

**VOTE:**

The motion to nominate Ben Rudasill as Vice-Chairman passed 4-0.

Mrs. Forestier: Okay, Mary can take over so she needs the... We will move on to approval of meeting minutes.

**APPROVAL OF MEETING MINUTES**

2. October 18, 2010

Mrs. Rust: Are there any comments or edits to the October 18<sup>th</sup> meeting minutes? Is there a motion to approve the minutes?

Mr. Pineau: I move to approve the minutes.

Mr. Rudasill: Second.

Mrs. Rust: All in favor say aye.

Mr. Rudasill: Aye.

Mr. Pineau: Aye.

Mr. Riutta: Aye.

Mrs. Rust: Aye. Thank you

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**VOTE:**

The motion to approve the October 18, 2010 minutes passed 4-0.

3. December 13, 2010

Mrs. Rust: Are there any comments or edits to the December 13<sup>th</sup> meeting minutes? Is there a motion to approve the minutes?

Mr. Rudasill: I make a motion to approve the minutes.

Mr. Pineau: Second

Mrs. Rust: All in favor say aye.

Mr. Rudasill: Aye.

Mr. Pineau: Aye.

Mr. Riutta: Aye.

Mrs. Rust: Aye. All opposed say nay. Motion carries 4-0.

**VOTE:**

The motion to approve the December 13, 2010 minutes passed 4-0.

Mrs. Rust: The next item on the agenda is a public hearing. Would staff like to present their report?

**PUBLIC HEARINGS**

4. Wetlands Permit WB11-01 - A modification to wetlands permit WB10-09 for the Aquia Harbour Property Owners Association, applicant, to construct a riprap revetment 20 feet in length within an existing marina on Assessor's Parcel 21B-1009A, Aquia Creek.

Mrs. Forestier: This is the report for Wetlands Permit WB11-01, which is a modification to wetlands permit WB10-09 for the Aquia Harbour Property Owners Association, applicant, to construct a riprap revetment twenty (20) feet in length within an existing marina on Assessor's Parcel 21B-1009A, Aquia Creek. The riprap requires a wetlands permit as it is not a permitted use pursuant to Section 27-18 of the Stafford County Wetlands Ordinance entitled "Permitted Uses". The purpose of this modification to an approved project is to improve a marina by constructing a riprap revetment to stop erosion along the shoreline. The site is located within the Aquia Harbour subdivision on a dredged portion of Aquia Creek. The main channel of the Creek was widened in the 1960's to allow the marina to be constructed in this location. On December 13, 2010 the Wetlands Board approved an application for a replacement bulkhead to be built on this site. At that time, the applicant indicated that they would like to add a section of riprap along the shoreline as well, which requires us to re-advertise and add that rip rap into their permit. The height of the gangway that they put in has prohibited a bulkhead being built in this area, so they couldn't just extend the existing bulkhead, that is why the rip rap was purposed. As the

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attached drawings indicate, the applicant is proposing to place Class AI riprap over filter cloth in an area twenty (20) feet long by three (3) feet wide, with a small toe area slightly below MHW. The VIMS report stated that due to the shaded area underneath the ramp, the desire to protect the concrete ramp base and the potential for boat wakes, a rock revetment is an acceptable treatment at this location. The Army Corps of Engineers actually stated that they don't need a permit from them because they are not impacting existing wetlands so they did not need a permit from the Army Corps of Engineers. The Virginia Marine Resources Commission previously stated that a permit was not required because they were on a man-made area in Aquia Creek. The following alternatives are available to the Board: 1) Adopt proposed Resolution WB11-01, which approves the request with conditions. 2) Adopt proposed Resolution WB11-02 which denies the request. The basic conditions are the same as normal permits. The applicant would have to notify the Wetlands Board staff to conduct following inspections. After the filter cloth is laid down before the rip rap is placed and post construction inspection after it is all finished so we can make sure it is in the right location and the right size and all of that. Staff recommends approval of the proposed modification, with conditions. The area to be protected with riprap is eroding, as can be seen in the photographs that were attached in the application. The riprap will serve a dual purpose by stabilizing the shoreline and decreasing erosion. From an environmental perspective a riprap revetment is preferable to a bulkhead as it allows a connection between the uplands and the shoreline to be maintained. The conditions require inspections to make sure they are in the right place.

Mrs. Rust: Open to any public comments.

Mrs. Forestier: Neither the applicant or the contractor are present this evening.

Mrs. Rust: Okay, would anyone else like to make a comment on the application? Okay, we are going to close the public hearing and open the floor for discussion. Is there any further discussion needed?

Mr. Pineau: I don't believe so.

Mrs. Rust: Okay, is there a motion for approval?

Mr. Rudasill: I make a motion that we adopt resolution WB11-01 to approve it.

Mr. Pineau: Second.

Mr. Rust: Okay, all in favor say aye.

Mr. Rudasill: Aye.

Mr. Pineau: Aye.

Mr. Riutta: Aye.

Mrs. Rust: Aye. All opposed say nay. Motion carries 4-0.

**VOTE:**

The motion to approve WB11-01 passed 4-0.

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Mrs. Rust: The next item on the agenda is a second public hearing. Would staff present the report, please.

5. Wetlands Permit WB11-03 - A wetlands permit for George and Nancy Duffield, applicants, to construct a bulkhead 169 feet in length on Assessor's Parcels 49C-2-1-1A, 49C-2-1-1B, 49C-2-1-1C and 49C-2-2-1A, Accokeek Creek.

Mrs. Forestier: This is a Wetlands Permit WB11-03, a wetlands permit for George and Nancy Duffield, applicants, to construct a bulkhead 169 feet in length on Assessor's Parcels 49C-2-1-1A, 49C-2-1-1B, 49C-2-1-1C and 49C-2-2-1A on Accokeek Creek. The proposed bulkhead requires a wetlands permit as it is not a permitted use pursuant to Section 27-18 of the Stafford County Wetlands Ordinance entitled "Permitted Uses". The purpose of this project is to protect the shoreline from erosion along Accokeek Creek. Wetlands Board staff visited the site to review the proposed project on February 15, 2011. The property is located along Accokeek Creek near Indian Point. The house is located approximately eighty (80) feet from the shoreline. The topography of the property is relatively flat except for the thirty (30) feet near the shore that slopes steeply down to the shore. An existing timber bulkhead currently extends approximately 169 feet along the shoreline. A permit to replace the existing bulkhead was granted by the Virginia Marine Resources Commission (VMRC) in 2001 (VMRC #01-0762) but it was never constructed. The existing bulkhead is beginning to lean forward in places. In addition, the base of the structure no longer extends beneath the surface and is allowing water to erode behind the bulkhead. Several washed out areas behind the existing bulkhead will need to be filled (approximately 2,000 square feet). The location of the bulkhead and how it would tie into the land were reviewed. The application proposes that an approximately four to five foot high (from the creek bottom) vinyl bulkhead be constructed along the shoreline, in approximately the same location as, and no more than 24 inches channel ward of, the existing bulkhead. The proposed bulkhead would extend an additional three feet below the surface and would extend approximately 169 feet along the shoreline, attaching directly to a bulkhead to the west on Assessor's Parcel 49C-2-1-1 and to an existing bulkhead to the east on Assessor's Parcel 49C-2-2-3. This will require the construction of a two foot return wall on the west side of the bulkhead and a three foot return wall on the east side. Both the Mean High Water (MHW) and Mean Low Water (MLW) lines touch the existing bulkhead. As proposed, the base of the entire future bulkhead would be located below MLW, with a maximum disturbance of 328 square feet of subaqueous land in the jurisdiction of the Marine Resources Commission and Army Corps of Engineers. The proposed bulkhead is covered under Army Corps of Engineers Nationwide Permit #13 and Regional Permit #19. And a permit from VMRC will be required for the proposed project. A VIMS report has also been included in this packet, which basically supports the placement of the bulkhead. The following alternatives are available to the Board: 1) To adopt proposed Resolution WB11-03 which approves the request with conditions. The conditions are that the bulkhead shall be constructed in a location determined by the Wetlands Board, the applicant shall notify the Wetlands Board staff to conduct the following inspections, the initial construction and the final inspection, 2) Or you can adopt proposed Resolution WB11-04 which denies the request. 3) or you can take no action at this time and defer it to a future meeting. Staff recommends approval of the bulkhead as proposed. The proposed bulkhead will serve a dual purpose by stabilizing the shoreline and decreasing erosion. From an environmental perspective, it is normally preferable for a bulkhead to be replaced by a riprap revetment; however, as there is an existing bulkhead, placing a new bulkhead in front of it will require less impact than removal of the existing bulkhead and grading the site. There are no impacts to tidal wetlands. I will also have to state that it is a vegetative slope so they have

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maintained vegetation on that slope. They do cut it down every year I guess to have the view but they do have a pretty thick vegetation that is holding it in place quite well.

Mrs. Rust: I would like to open the public hearing. Any discussion?

Craig Palubinski: Yes, my name is Craig Palubinski and I am with Bayshore Design representing this request. Just briefly, what we are proposing here is a sixty-nine (69) foot replacement vinyl bulkhead. It is going to follow the alignment of the existing with no more than two foot encroachment from the existing. The wall will be about a foot and a half taller than the old wall. The old wall comes up slightly about three feet above low water so it is relatively low so we are going to raise the elevation about a foot and a half and level off the grade behind it, which is about ten feet back from the new wall. Your two return walls on the west and on the east side will also be a little bit higher and will come over the top of the wall to retain the fill area behind on both sides. We have notified both the adjoining property owners and they both have signed the adjacent property owner's acknowledgment forms. With no opposition to the project.

Mrs. Rust: I am always interested, just curious, how old is this bulkhead as it stands right now? Do you know?

Mr. Palubinski: I honestly don't know. It is hanging in there, I know it was in bad shape ten years ago but it is starting to bow a lot more. There are more washed out areas.

Mrs. Rust: Just curious.

Mr. Riutta: How did you come up with the number, I think it said three feet deeper than the current?

Mr. Palubinski: Actually I think I generalized a note, penetration was equal to exceed exposure so it should be four to five feet down in the bottom.

Mr. Riutta: And what will the backfill be once... You said a foot and a half taller than the current?

Mr. Palubinski: The new wall will be a foot and a half taller than the existing yes.

Mr. Riutta: So are they just going to backfill with dirt? Do they plan on planning that at all?

Mr. Palubinski: Yes there is a planning schedule on sheet five of the drawing set.

Mr. Riutta: Okay.

Mrs. Rust: Would anyone else like to comment on the application? We are going to close the public hearing and we will open up to the floor for any discussion of the application by the Board. Is there any further discussion needed?

Mr. Rudasill: I have seen that wall and from I see what they are going to do with it, I am fine with it.

Mrs. Forestier: Staff has one question about tie backs for the wall because they are not shown in the drawing. Do you normally...

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Mr. Palubinski: I have standard Edmond tiebacks and 5/8 galvanized rods.

Mrs. Forestier: Okay. Just making sure.

Mrs. Rust: Is there a motion for approval?

Mr. Pineau: Just one question I had. Is the distance that I see on the Detail A, shows a two foot between the existing bulkhead and the proposed, is that correct?

Mrs. Forestier: That is the maximum allowed under state code for replacement, right Dan?

Mr. Pineau: Okay.

Mr. Bacon: Yes.

Mr. Rudasill: And where it is leaning...

Mrs. Forestier: It is bowing out in sections.

Mr. Rudasill: It is not leaning over?

Mrs. Forestier: Not completely yet. It has not fallen over yet. You can see where it is bowing and the whole bottom is open. There is a two inch... you can see the dirt coming out from underneath it. It has been eaten away by the water.

Mr. Rudasill: I make a motion to approve Resolution WB11-03.

Mr. Pineau: Second.

Mrs. Rust: All in favor say aye.

Mr. Rudasill: Aye.

Mr. Pineau: Aye.

Mr. Riutta: Aye.

Mrs. Rust: Aye. All opposed say nay? Motion carries.

**VOTE:**

The motion to approve WB11-03 passed 4-0.

**OLD BUSINESS**

Mrs. Rust: Any old business at this time?

Mrs. Forestier: No ma'am.

**NEW BUSINESS**

**6. Review of recently submitted applications**

VMRC# 10-1948	Hope Springs Marina (subaqueous)
VMRC# 10-1944	Richard and Tamara Shore (pier/boatlift)
VMRC# 11-0033	Medicorps Cable (non-tidal)
VMRC# 11-0051	Todd Rogers (dredging)

Mrs. Rust: Any new business to discuss?

Mrs. Forestier: Just a few recently submitted applications. VMRC# 10-1948 for Hope Springs Marina, I believe that is the one for the removal of the Hydrilla. That is a permit from VMRC, I believe they applied for a five year permit to remove hydrilla from along the...

Mrs. Rust: So in a mowing attempt.

Mr. Bacon: Close, they can go one foot from the bottom to cut it. I think they are getting a machine from Prince William Marina who also has a permit, they are going to rent their machine.

Mrs. Forestier: Then we have VMRC# 10-1944, Richard and Tamara Shore for a pier boatlift which is by right. VMRC# 11-0033, for Medicorps Cable, which is non-tidal and I believe that one goes under the Rappahannock but they don't touch the water. Then VMRC# 11-0051, Mr. Todd Rogers for a little area of dredging in Aquia Creek. That one might take a while, there is a creek that has had a lot of sediment in it that comes into Aquia Creek near his house in Aquia Harbour and it is a lot of silt that has been coming in there so there is this huge area. He wanted to dredge it out.

Mrs. Rust: Is it adjacent to the channel there?

Mrs. Forestier: Yes, so it wasn't dredged when they dredged the channel apparently but it... and his application very simplistic so we are trying to work with him and see if he can get all the required paperwork. What does he need? He needs an engineer.

Mr. Bacon: He needs a lot of stuff because I sent him a three page letter saying this is all the things you need to check and it is three pages long. You have to fill out a full JPA in order to do dredging, it requires bathometric surveys, it requires a lot of stuff. He has not done any of that, he is trying to do it himself and I think it is above his capability in doing that. I put in the last sentence that he may want to hire someone to do the application.

Mrs. Forestier: So that is on the block for later on. Those are the only applications we have and I did have one more for Hope Springs marina today and that was that they wanted to extend their tending piers where they let the boats from the Boatel into the water so people don't have to wait as long. That will be coming to us in April.

Mr. Palubinski: Will I need to be coming to the Board since it is the Marina?

Mrs. Forestier: Commercial, yes, that's it.



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**CHAIRMAN'S REPORT**

None

**STAFF REPORT**

None

**ADJOURNMENT**

Mrs. Rust: Alright, is there a motion for adjournment?

Mr. Rudasill: I make a motion we adjourn.

Mr. Pineau: Second.

Mrs. Rust: All in favor say aye.

Mr. Rudasill: Aye.

Mr. Pineau: Aye.

Mr. Riutta: Aye.

Mrs. Rust: Aye. All opposed say nay? Motion carries. We are adjourned.

The meeting adjourned at 7:20 P.M.